



SYNOPSIS OF LEGISLATIVE ISSUES - 2004
IOWA DEPARTMENT OF PUBLIC SAFETY

Personnel, Essential Equipment, and Vehicle Replacement

Public Safety is a people-intensive operation. The Department is down approximately 100 sworn positions since 2000, which impacts not only its core mission of delivering public safety services but also impacts officer safety. In addition, it has many critical infrastructure needs, including but not limited to equipment and vehicle replacement, AFIS upgrade and replacement, crime laboratory supplies and equipment, and the IOWA System upgrade that must be addressed.

D.C.I. Crime Laboratory Equipment Replacement (carryover from 2003)

SF 399, which proposed a 2% increase in the current criminal surcharge, passed the Senate last year but failed to achieve action in the House. Without an ongoing source of funding for equipment maintenance and replacement and funding for training necessary to maintain accreditation, the crime laboratory will be at serious risk in its ability to provide forensic services to the criminal justice community. The department must continue to pursue resolution of this issue with House and Senate leadership.

Sex Offender Registry – Internet Access (carryover from 2003)

The Department proposes that all convicted sex offenders be placed on the Sex Offender Registry website based upon conviction rather than risk assessment. This proposal passed the 2003 Senate in SF 422 but failed to be included in the House version of the bill. Currently the registry may only contain those offenders assessed as “moderate or high” risk. This proposed legislation, which is modeled on the Connecticut statute that was upheld by the U.S. Supreme Court in March 2003, passed the Iowa Senate last year but failed to be considered in the House.

Many citizens find the current website misleading, as they believe they are able to access, or should be able to access, all convicted sex offenders. In addition, there is no consensus on what may be the appropriate “assessment tool”, nor is there consensus on whether the assessment is a valid indicator of future risk. Eliminating the risk assessment process will provide opportunity for the redirection of personnel to other essential tasks and will allow the state to serve the public’s need better by providing information in a more timely manner. This legislation is supported by the Department of Corrections, the Attorney General’s Office and the membership of the Iowa Board for the Treatment of Sexual Abusers.

Fire Marshal Issues:

Arson Definition: Provide that county attorneys may charge arson if an explosion or fire results from the attempt to manufacture methamphetamine.

Simulated Explosives: Currently this is included as Harassment in 708.7, which requires that a person actually be present when a simulated explosive is placed. The proposal would mirror language from 702.12 which defines an occupied structure as one in which a person does not actually have to be present.

State Patrol Issues:

Communications by Arrested Persons: Failure of an officer to follow proper procedure in permitting an offender to consult with a member of the family or an attorney carries a criminal penalty. This section (804.20) carries a penalty of simple misdemeanor. It is the only place in the code where a procedural matter carries a criminal penalty. The department proposes eliminating this criminal penalty, as the court is the appropriate party to address procedural issues.

Abandoned Vehicles: Replace the penalty in 321.91 (failing to reclaim an abandoned vehicle). This was mistakenly struck in 2000 in SF 2245. This proposal will also clarify the criteria under which the violation will be charged, since former language may create an appearance of creating a penalty when a driver must leave a vehicle on the roadway due to an emergency situation.

Child Endangerment/Manufacture of Methamphetamine

We are jointly proposing, with the Iowa County Attorneys Association, to amend section 726.6, relating to child endangerment. This proposal states that permitting a child or minor to be present at a location where a controlled substance is manufactured or possessed in violation of 124.401 (1) or 124.401(4) is child endangerment. Current law states that a person who commits child endangerment that results in bodily injury to a child or minor is guilty of a class D felony.

We also support amending the statute relating to possession of precursors (124.401 (4)) to address a recent case (State v. Pickerell, 662 N.W. 2d 371 (Iowa Ct. App 2003)). This case held that a person who possesses precursors with the intent to give or sell to another for the purpose of manufacturing methamphetamine does not violate current statute. The manufacture of methamphetamine often involves groups of individuals who obtain product for this purpose.

We also support addressing the availability of precursors for the manufacture of methamphetamine.

Child Restraints:

We are supporting the Iowa SAFE KIDS Coalition to upgrade the Iowa child restraint law. Currently children must be in an approved child safety seat through the age of 2 and in a seat or belt through the age of 5. The proposal requires a child younger than 1 year of age and weighing less than 20 lbs. to be in a rear-facing child restraint; children younger than 6 in an "appropriate child restraint system or booster seat" and children at least 6 but younger than 14 to be secured in a child restraint system or by a safety belt or harness.

E-911:

It is critical to Iowans' safety that E911 Phase II be implemented. This will allow emergency responders to know the location of a wireless 911 caller. We support the proposal to increase the surcharge so that agencies and providers may have sufficient funding to implement this technology.